IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28/01/2004

CORAM

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

W.P.No.723 of 1997

Jameela Beevi .. Petitioner

-Vs-

1. State of Tamil Nadu
rep. by its Secretary
to Government
Adi Dravidar Welfare Department
Fort St. George, Chennai-9.

2. The Additional District Collector
Cuddalore.

3. The Special Tahsildar
Adi Dravidar Welfare
Virudhachalam. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India
praying to issue a writ of Certiorari as stated within.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents: Mr.M.S.Palanisamy
Addl. Govt. Pleader

:ORDER

The petitioner seeks to quash the proceedings initiated by the respondents, viz., the notification issued under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 (for brevity "the Act") in W1/34305/96, published in the South Arcot Vellalar District Gazette No.16 on 12.7.1996, to acquire an extent of 0.15.5. Hectares equivalent to 39 cents comprised in Survey No.79/1B-6 and situated at Mathur Madura Veerareddykuppam, Virudhachalam Taluk for the purpose of providing free house sites to Adi Dravidar Christians and Arunthathiyars.

2. It is not in dispute that the petitioner was served with a notice in Form-I as contemplated under Section 4(2) of the Act on 24.11.19 95 and

objections were called for by the third respondent and forwarded to the Collector, who after his subjective satisfaction as to the proposed acquisition of land for the purpose of providing free house sites to Adi Dravidar Christians and Arunthathiyars issued the impugned notification dated 12.7.1996.

3. Mr.J.R.K.Bhavanantham, learned counsel for the petitioner challenges the impugned acquisition proceedings on the following grounds:

(i) the acquisition of land for the purpose of providing free house sites to Adi Dravidar Christians and Arunthathiyars is not valid in law in view of Clause 3 of Appendix-I of the Constitution (Scheduled Castes) Order, 1950, wherein it is provided that no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste, and since the impugned acquisition proceedings are proposed for providing free house sites to Adi Dravidar Christians, who are excluded from the Scheduled Castes as per of Clause 3 of Appendix-I of the Constitution (Scheduled Castes) Order, 1950 read with Section 3(f) of the Act, the impugned acquisition proceedings are not permissible in law. In this regard, reliance was placed on an order of this Court dated 12.3.2003 made in W.P.No.677 of 1997, wherein the very same government order was challenged.

(ii) the objection offered by the petitioner against the proposed acquisition was not properly considered by the respondents.

4. I am unable to appreciate both the contentions of the learned counsel for the petitioner.

5.1. It is true that Adi Dravidar Christians cannot be considered as Scheduled Castes in view of Clause 3 of Appendix-I of the Constitution (Scheduled Castes) Order, 1950 read with Section 3(f) of the Act. However, the impugned acquisition proceedings were initiated not only for providing free house sites for Adi Dravidar Christians, but also for Arunthathiyars, who are notified as Scheduled Castes. In that view of the matter, since Clause 3 of Appendix-I of the Constitution (Scheduled Castes) Order, 1950 is not attracted, the impugned acquisition proceedings cannot be quashed. Hence, I am unable to appreciate the argument of the learned counsel for the petitioner placing reliance on an order of this Court dated 12.3.2003 made in W.P.No.677 of 1997.

5.2. With regard to the second contention of the learned counsel for the petitioner that the authority failed to consider the objections of the petitioner offered to the notice in Form-I contemplated under Section 4(2) of the Act, it is settled law that the subjective satisfaction of the Collector before passing the order under Section 4(1) of the Act after considering the report of the authorised officer itself is sufficient to uphold the decision, as, under the scheme of the Act, no further enquiry is contemplated.

6. Under such circumstances, except to observe that the land acquired cannot be allotted to Adi Dravidar Christians, who profess a religion different from the Hindu, the Sikh or the Buddhist religion, no further orders

are required in this writ petition.

In the result, this writ petition fails and therefore, the same is dismissed. No costs.

28.1.2004

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